

MEMORANDUM

Agenda Item No. 11(A)(25)

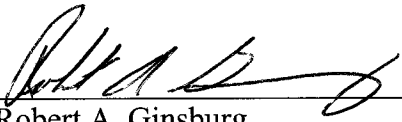
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution creating "The
Miami-Dade County
Children's Aspirational
Bill of Rights"

The accompanying resolution was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Sally A. Heyman, Commissioner Dorrin D. Rolle, Commissioner Katy Sorenson and Commissioner Rebeca Sosa.


Robert A. Ginsburg
County Attorney

RAG/bw




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(25)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(25)

Veto _____

4-5-05

Override _____

RESOLUTION NO. _____

**RESOLUTION CREATING “THE MIAMI-DADE COUNTY
CHILDREN’S ASPIRATIONAL BILL OF RIGHTS”**

WHEREAS, the Board of County Commissioners of Miami-Dade County recognizes the importance of the health, welfare, education, safety, and cultural skills of our children; and

WHEREAS, Miami-Dade County presently budgets and funds programs and capital expenditures that specifically benefit its children and their families; and

WHEREAS, on November 12, 2004, Dr. Barbara Carey-Shuler, as Chairperson of the Board of County Commissioners of Miami-Dade County sponsored “A Children’s Bill of Rights 2004 Conference”; and

WHEREAS, conference attendees included the Mayor, members of the Board of County Commissioners of Miami-Dade County, and a wide array of representatives from public and private programs, organizations, advocacy groups, and funding foundations; and

WHEREAS, those attending the conference worked collaboratively to describe their aspirations for children; and

WHEREAS, it is acknowledged that children, by reason of their physical and mental immaturity need special safeguards, care, and protection; and

WHEREAS, Miami-Dade County aspires to embrace children from all economic, ethnic, racial, and religious backgrounds, without regard to gender, social origin, family circumstances, disabilities or state of health, and aspires to promote for its children an atmosphere of love, tolerance and understanding,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Miami-Dade County Children's Aspirational Bill of Rights. In a fair and just society parents and family are primarily responsible for meeting their children's needs and for establishing values for their children. Governments should aspire to promote fundamental human rights, to value the dignity and worth of children, and promote social progress and better standards of life for children and families. To that end:

It is our aspiration that every child should enjoy basic childhood opportunities that include:

- A happy, safe, stable and enriching childhood;
- A place to call home;
- Healthy growth and development;
- A loving family, and if that child cannot be with his or her family, to be with another loving family;
- Significant family relationships;
- Adult care, guidance, and nurturance;.
- Caregivers, educators, and other adults who understand and respect the child's different developmental stages and treat children with dignity and respect; and
- Adequate preparation for adulthood.

It is our aspiration that no child should lack certain fundamental and basic needs that include:

- Safe and adequate housing;
- Sufficient, balanced, and nutritious meals;

- Adequate clothing; and
- Access to quality physical and mental health care.

It is our aspiration that every child should enjoy the basic freedoms accorded to all people, that include:

- Equal opportunities without regard to gender, race, religious beliefs, ethnicity, socio-economic status, nationality, gender, sexual orientation or disability;
- Reasonable expectations of privacy;
- The opportunity to express herself or himself, and to be listened to;
- The opportunity for peaceful assembly; and
- Freedom from unreasonable government intrusion.

It is our aspiration that every child should be protected from:

- Physical, sexual, mental, and emotional abuse, exploitation and neglect; and
- Harassment and bullying.

It is our aspiration that every child should benefit from an education that includes:

- Quality early care and education that nurture physical, social, emotional, cognitive, and spiritual development; and
- A quality and appropriate pre-kindergarten through 12th grade education that:
 - teaches core skills in reading, math and science as well as diverse learning experiences;
 - promotes self-esteem; critical thinking; discipline; and social, emotional, and character development;
 - offers qualified, accessible, caring, and fair educators;
 - makes quality educational curricula, materials and resources available;

- offers a healthy and active physical education to promote lifetime fitness;
- recognizes multiple methods for determining success and offers timely and appropriate assessments and interventions;
- assures educational continuity to the extent possible when the child's life has been disrupted by relocations, divorce, or dependency issues; and
- promotes appropriate and fair disciplinary practices and procedures which help advance educational purposes.

It is our aspiration that childhood should be a time for fun and enriching experiences that include:

- Play and access to age-appropriate recreational activities, programs, equipment, and materials;
- Enjoyment of art, music, drama, dance, literature and other creative activities; and
- Participation in activities that recognize and celebrate cultural identity and cultural diversification.

It is our aspiration that every child in an institutional setting or when placed out of his or her biological home should:

- Be safe;
- Have proper nutrition;
- Have access to quality health care;
- Live in a healthy and sanitary environment;
- Live in a non-threatening and non-violent environment;
- Have professional, well trained staff and caseworkers;
- Receive appropriate developmental and therapeutic services; and

- Have contact with parents, family, and significant persons unless not in the best interest of the child.

It is our aspiration that every child affected by the legal process should:

- Be informed that help is available;
- Have a guardian ad litem or adult advocate to further the child's best interest;
- Be informed of his or her rights, and have an assisting adult who is also informed of the child's rights;
- Have an appropriate explanation of the system into which he or she is being placed;
- Be accorded due process as a defendant, party, witness, or victim;
- Be provided with competent and consistent legal representation;
- Be informed promptly as to why he or she is being detained in a dependency, delinquency, or criminal proceeding;
- Have an opportunity to participate in the legal process, to express an opinion about matters concerning his or her life, and to have decision-makers take those opinions into consideration;
- Have access to his or her own records and to records that impact upon his or her interests;
- Have his or her confidentiality protected;
- Have a coordinated judicial system that minimizes multiple actions and provides either one decision-maker for each child or family or a coordinated approach among all the decision-makers; and

- Have a justice system that provides a timely and appropriate response at all levels, including intervention services or sanctions.

Section 2. By approval of this resolution, the Board of County Commissioners of Miami-Dade County, does not create or confer any rights, entitlements or mandates.

No Private Right of Action: Nothing herein shall form the basis of a private right of action.

Entitlements not Created: Nothing herein shall be deemed to create a right or entitlement that does not otherwise exist at law.

No Violation of State or Federal Law: Nothing herein shall be construed in a manner which would violate the Constitutions or laws of the United States or of the State of Florida.

The foregoing resolution was sponsored by Dr. Barbara Carey-Shuler, Commissioner Sally A. Heyman, Commissioner Dorrin D. Rolle, Commissioner Katy Sorenson and Commissioner Rebeca Sosa and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

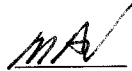
The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Maria Arista-Volsky